

Senate File 2036 - Introduced

SENATE FILE 2036

BY SODDERS

A BILL FOR

1 An Act concerning the use of hidden compartments in vehicles,
2 and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **321.284B Hidden compartments.**

2 1. As used in this section unless the context otherwise
3 requires:

4 *a. "Controlled substance"* means the same as defined in
5 section 124.101.

6 *b. "Hidden compartment"* means a container, space, or
7 enclosure that conceals, hides, or otherwise prevents
8 the discovery of the contents of the container, space, or
9 enclosure. *"Hidden compartment"* includes but is not limited to
10 any of the following:

11 (1) A false or modified fuel tank.

12 (2) Original factory equipment on a vehicle that has been
13 modified to conceal or prevent the discovery of the contents
14 within the modified equipment.

15 (3) A compartment, space, box, or other closed container
16 that is added or attached to an existing compartment, space,
17 box, or closed container integrated within or attached to a
18 vehicle.

19 *c. "Manufacturer"* means the same as defined in section
20 321.1.

21 *d. "Motor vehicle dealer"* means a dealer required to be
22 licensed under chapter 322.

23 *e. "Vehicle"* means the same as defined in section 321.1.

24 2. A person shall not knowingly design, build, construct,
25 or fabricate a vehicle with a hidden compartment, or modify
26 or alter any portion of a vehicle in order to create or add a
27 hidden compartment, with the intent to facilitate the unlawful
28 concealment or transportation of a controlled substance. A
29 person who violates this subsection commits a class "D" felony.

30 3. A person shall not knowingly operate, possess, or use a
31 vehicle with a hidden compartment with the knowledge that the
32 hidden compartment is used or intended to be used to facilitate
33 the unlawful concealment or transportation of a controlled
34 substance. A person who violates this subsection commits a
35 class "D" felony.

1 4. This section does not apply to any of the following:

2 a. A peace officer as defined in section 801.4 when the
3 officer is acting within the scope of the lawful duty or
4 authority of that officer.

5 b. A motor vehicle dealer or manufacturer in the ordinary
6 course of business.

7 c. A box, safe, container, or other item added to a
8 vehicle for the purpose of securing valuables, electronics, or
9 firearms, provided that at the time of discovery the box, safe,
10 container, or other item added to the vehicle does not contain
11 a controlled substance or residue of a controlled substance.

12 5. This section does not impose a duty on a motor vehicle
13 dealer to know, discover, report, repair, or disclose the
14 existence of a hidden compartment to any person.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to the use of hidden compartments in a
19 vehicle.

20 The bill prohibits a person from knowingly designing,
21 building, constructing, or fabricating a vehicle with a hidden
22 compartment, or modifying or altering any portion of a vehicle
23 in order to create or add a hidden compartment, with the intent
24 to facilitate the unlawful concealment or transportation of a
25 controlled substance.

26 The bill prohibits a person from knowingly operating,
27 possessing, or using a vehicle with a hidden compartment
28 with the knowledge that the hidden compartment is used or
29 intended to be used to facilitate the unlawful concealment or
30 transportation of a controlled substance.

31 The bill defines a "hidden compartment" to mean a container,
32 space, or enclosure that conceals, hides, or otherwise prevents
33 the discovery of the contents of the container, space, or
34 enclosure. Under the bill "hidden compartment" includes but
35 is not limited to any of the following: an altered or modified

1 fuel tank, original factory equipment on a vehicle that has
2 been modified to conceal or prevent the discovery of the
3 modified equipment's content, or a space, box, or other closed
4 container that is added or attached to an existing compartment,
5 space, box, or closed container integrated within or attached
6 to a vehicle.

7 The bill defines "vehicle" to mean the same as defined in
8 Code section 321.1(90). The definition under Code section
9 321.1 includes every device in, upon, or by which any person or
10 property is or may be transported or drawn upon a highway.

11 The bill does not apply to the following: a peace officer as
12 defined in Code section 801.4 when the officer is acting within
13 the scope of the lawful duty or authority of that officer, a
14 motor vehicle dealer or manufacturer in the ordinary course of
15 business, or a box, safe, container, or other item added to a
16 vehicle for the purpose of securing valuables, electronics, or
17 firearms provided that at the time of discovery the box, safe,
18 container, or other item added to the vehicle does not contain
19 a controlled substance or residue of a controlled substance.

20 The bill does not impose a duty on a motor vehicle dealer to
21 know, discover, report, repair, or disclose the existence of a
22 hidden compartment to any person.

23 A person who violates the bill commits a class "D" felony. A
24 class "D" felony is punishable by confinement for no more than
25 five years and a fine of at least \$750 but not more than \$7,500.